



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

July 28, 2004

SUBJECT: **2004-0525:** Application on a 12,656 square-foot site located at **1085 Helena Drive** in an R-1 (Low-Density Residential) Zoning District. (APN: 320-12-043) :

Motion **Variance** from Sunnyvale Municipal Code section 19.40.040 (b; 3) to allow a shed that is nine-foot two inch high along Coronach Drive at a setback of four feet where nine feet is required.

REPORT IN BRIEF

Existing Site Conditions Single family home

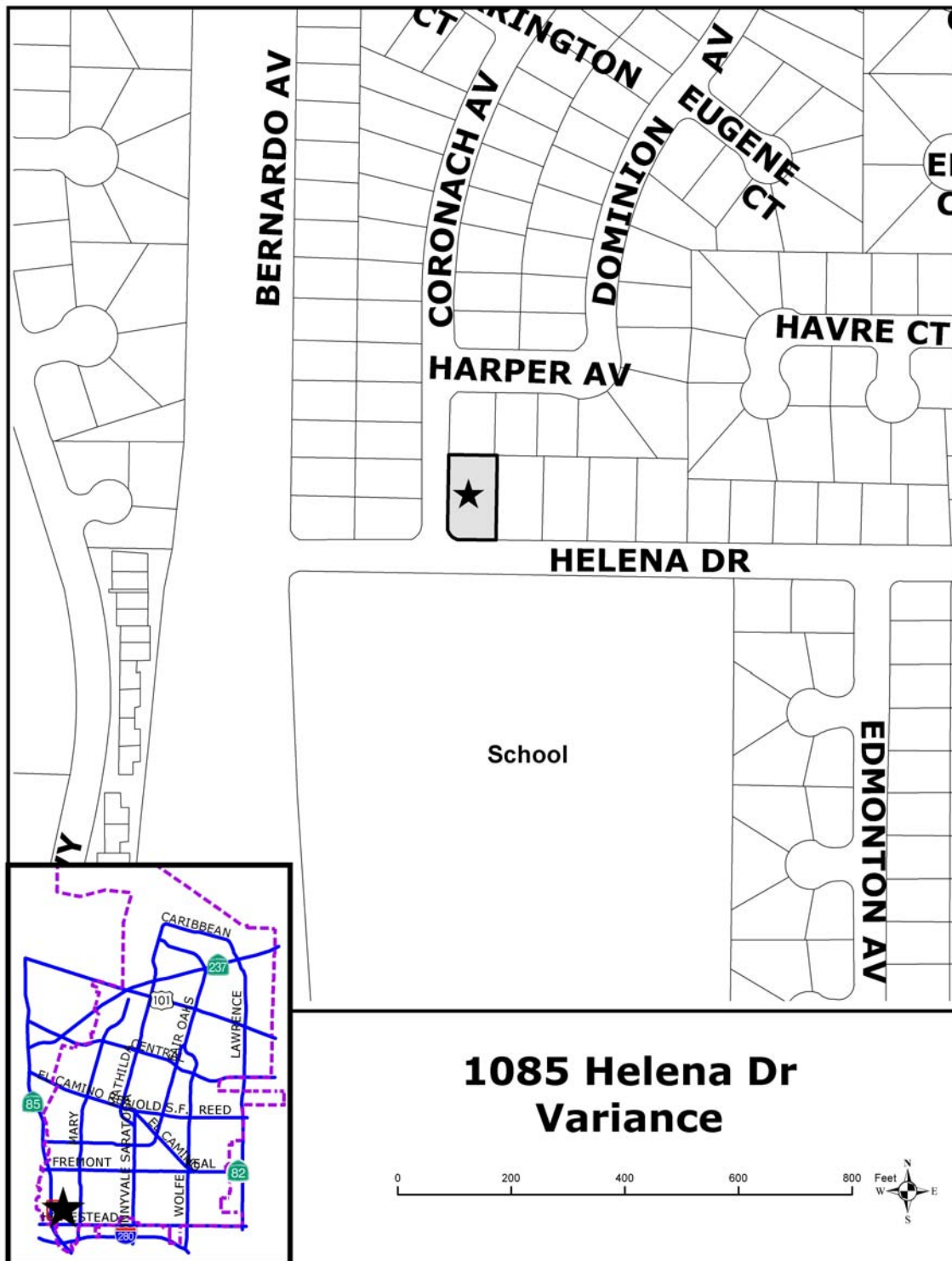
Surrounding Land Uses

North	Single Family
South	Middle School
East	Single Family
West	Single Family

Issues Appropriateness of shed. Compatibility with adjacent properties

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Deny the Variance and require that the shed be removed or relocated



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Residential Low Density	Residential Low Density
Zoning District	R-1	R-1	R-1
Lot Size (s.f.)	12,656	12,656	8,000 min.
Gross Floor Area (s.f.)			
House	2,530	2,530	5,695 max.
Proposed Shed	96	96	
Other Sheds	167	167	
Lot Coverage (%)	22%	22%	40% max.
Floor Area Ratio (FAR)	22%	22%	No max.
No. of Buildings On-Site	1 house, 3 sheds	1 house, 3 sheds	---
Building Height (ft.)	House approx 15' Proposed Shed 9.5"	House approx 15' Proposed Shed 9.5"	30 max.
No. of Stories	1	1	2 max.
Setbacks (facing prop.)			
• Front	20	20	20 min.
• Left Side	12	4 for proposed shed	9 min.
• Right Side	Approx. 12	Approx. 12	6 min.
• Rear	61	2 for proposed shed	10 for shed unless granted discretionary approval
Parking			
• Total No. of Spaces	2 garage 2 driveway	2 garage 2 driveway	2 garage 2 driveway

ANALYSIS

Background

Previous Actions on the Site: There are no other Planning related permits associated with this site.

Description of Proposed Project

The applicant has installed a wood shed with a peaked roof that measures nine feet two inches in height. The shed is located in the northwest corner of the site four feet from the side property line and two feet from the rear property line. The shed is separated from the street and the rear neighbor by a six foot high fence.

A Variance is required because the shed is less than 120 square feet in area but taller than six feet six inches in height and does not meet the required reducible front yard setback of nine feet. The distance from the rear yard is required to be ten feet unless discretionary approval is given to be closer. As a policy, for each foot in height over six feet six inches there should be an additional three foot setback from the rear property line. Based on this policy the proposed shed should be approximately nine feet from the rear property line. This application requires that a decision be made on the reducible front yard Variance and the discretionary distance from the rear property line.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions, and City guidelines. Class 1 Categorical Exemptions include minor additions to existing facilities.

Variance

Use: Please see project description in above section *Description of Proposed Project*.

Site Layout: The site is a 12,656 square foot corner lot developed with a single family home. The front of the house has a two car garage and driveway facing Helena Drive. There is also a pool and a total of three sheds on the property (Site Plan, Attachment 2). The entire site is landscaped. The proposed shed is located in the rear yard at the northwest corner of the site.

Architecture: The proposed shed is constructed of residential materials. It has horizontal wood siding and an asphalt shingle pitched roof.

The following Guidelines were considered in the analysis of the project architecture.

Design Policy or Guideline (Architecture)	Comments
<i>City Wide Design Guidelines D3: The style, material, and color of accessory buildings visible from public streets shall be the same as those of the main structures.</i>	The materials of the shed are different from the home: however, they are residential in quality and are sufficiently set away from the main structure to require an exact match.

Landscaping: There are no landscaping requirements for single family residential properties.

Compliance with Development Standards

The proposed shed does not meet the required reducible front yard setback, nor does it meet the policy for distance from the rear property line. The total square footage of sheds on the site is within the code allowances for sheds, lot coverage and floor area ratio without requiring additional permits

Expected Impact on the Surroundings

The shed is significantly visible to the neighbor to the rear. Photos are attached that were submitted by the neighbor, and staff verified the shed's visibility with a site visit. The neighbor also already views the top of the applicant's pool equipment shed. As a result, staff believes that impact on the neighbor is unreasonable and that the shed should be relocated at least ten feet from the rear property line or lowered to a maximum of seven feet in height.

Although the shed has minimal visibility on the side street due to its placement among large trees, staff could not make the findings to grant the Variance for the reducible front yard setback. Even though there are large pine trees that prevent the shed from being pushed further away from the reducible front yard, as well as mature landscaping throughout the site, the site is 12,656 square feet in area with other available sites for a shed if landscaping is modified, even considering the location of the pool.

Findings, General Plan Goals and Conditions of Approval

Staff is recommending denial for this project because the Findings (Attachment 1) were not made. However, if the Administrative Hearing Officer is able to

make the required findings, staff is recommending Conditions of Approval (Attachment 2).

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impact is expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• <u>7</u> mailed to the adjacent property owners of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Deny the Variance and require that the shed be relocated to meet the setbacks or removed.
2. Approve the Variance with Conditions of Approval recommended by staff.
3. Approve the Variance with modified Conditions.

Recommendation

Alternative 1

Prepared by:

Gerri Caruso
Project Planner

Reviewed by:

Diana O'Dell
Senior Planner

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Site and Architectural Plans (photos from applicant)
4. Justifications from Applicant
5. Letter from adjacent neighbor
6. Photos (from adjacent neighbor)

Variance Findings

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district.

There are no special circumstances applicable to this property. The applicants already have two sheds on the property. The third shed could be accommodated with alteration to landscaping without affecting mature trees.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.

The granting of the Variance will not be detrimental to the public welfare. Staff does not believe the reduced setback in the reducible front yard is detrimental to the public that may view it from the street. However, staff believes that the shed setback from the rear yard should be increased although a Variance is not needed to grant a reduced setback.

3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

Granting of the Variance will bestow special privileges to the property owner. The applicant has a lot that is one and a half times the minimum lot size for the zoning district. The applicant has demonstrated that there is already room for two other reasonably sized sheds on the property. With modifications to landscaping the applicant could place a third shed which is typically not a privilege shared by many single family property owners in Sunnyvale.

Recommended Conditions of Approval - Variance

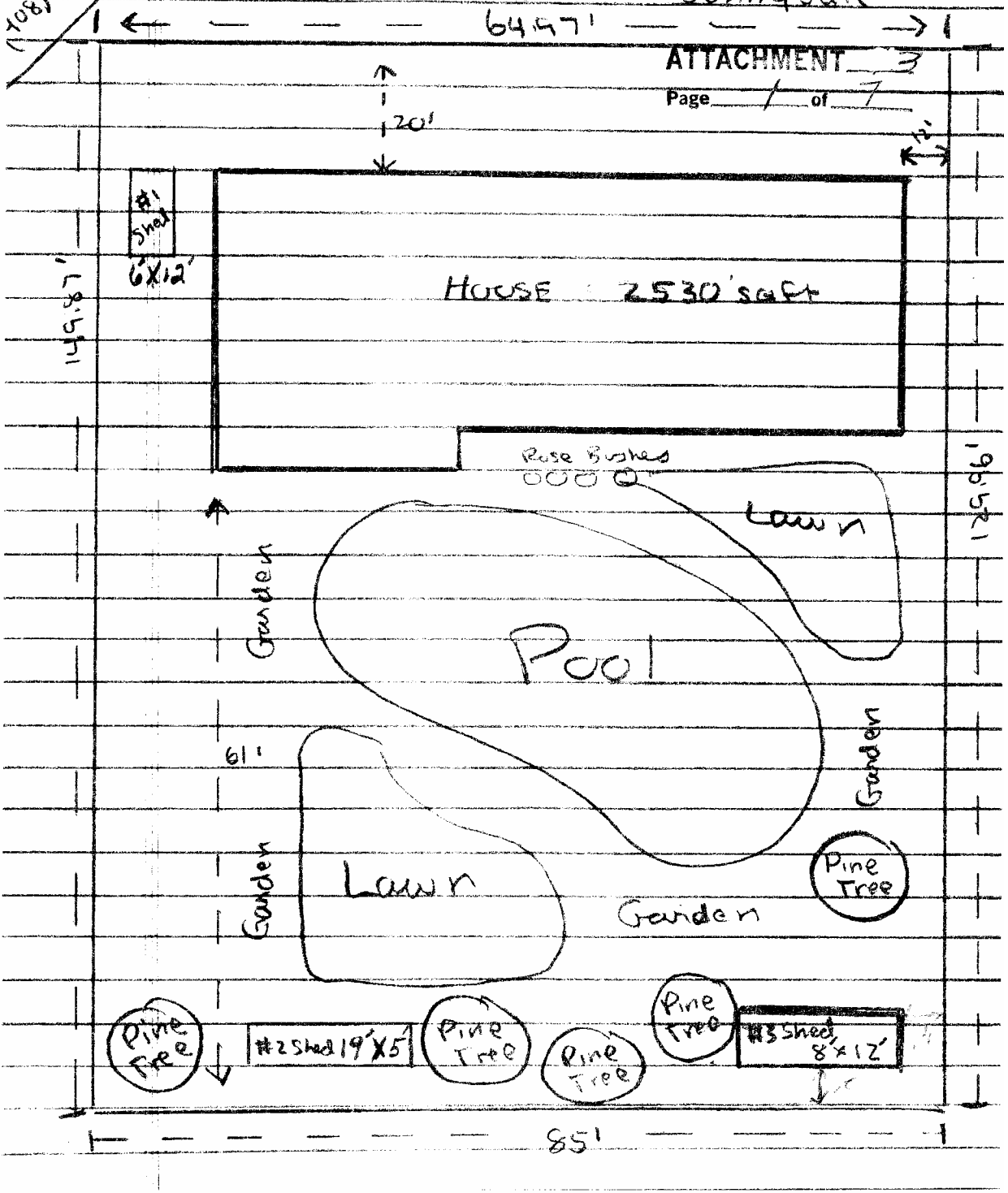
In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

1. Shed shall be relocated a minimum of ten feet from the rear property line or lowered in height to a maximum of seven feet.
2. Shed shall be painted to match the color of the main house.
3. Vines shall be planted and maintained along the fence adjacent to the shed in order to partially screen the shed.

7011 Carv.
108/730-7715

Lot Size 1290 sq ft

Greenbaum's
1085 Helena Dr
Sunnyvale



ATTACHMENT 3
Page 1 of 7

HOUSE 2530' sq ft

Rose Bushes
○○○○

Pool

Lawn

Garden

Garden

Garden

Garden

Pine Tree

Pine Tree

#2 Shed 19'x5'

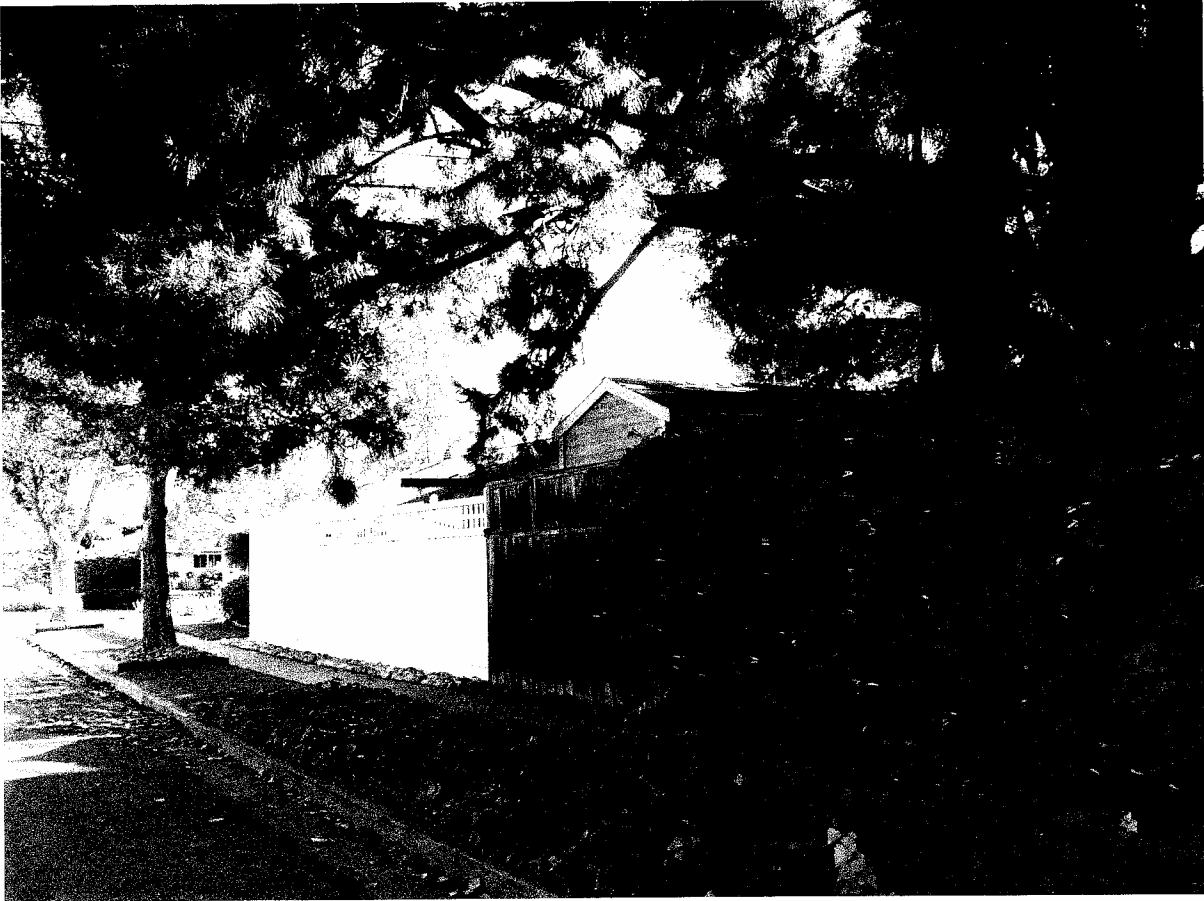
Pine Tree

Pine Tree

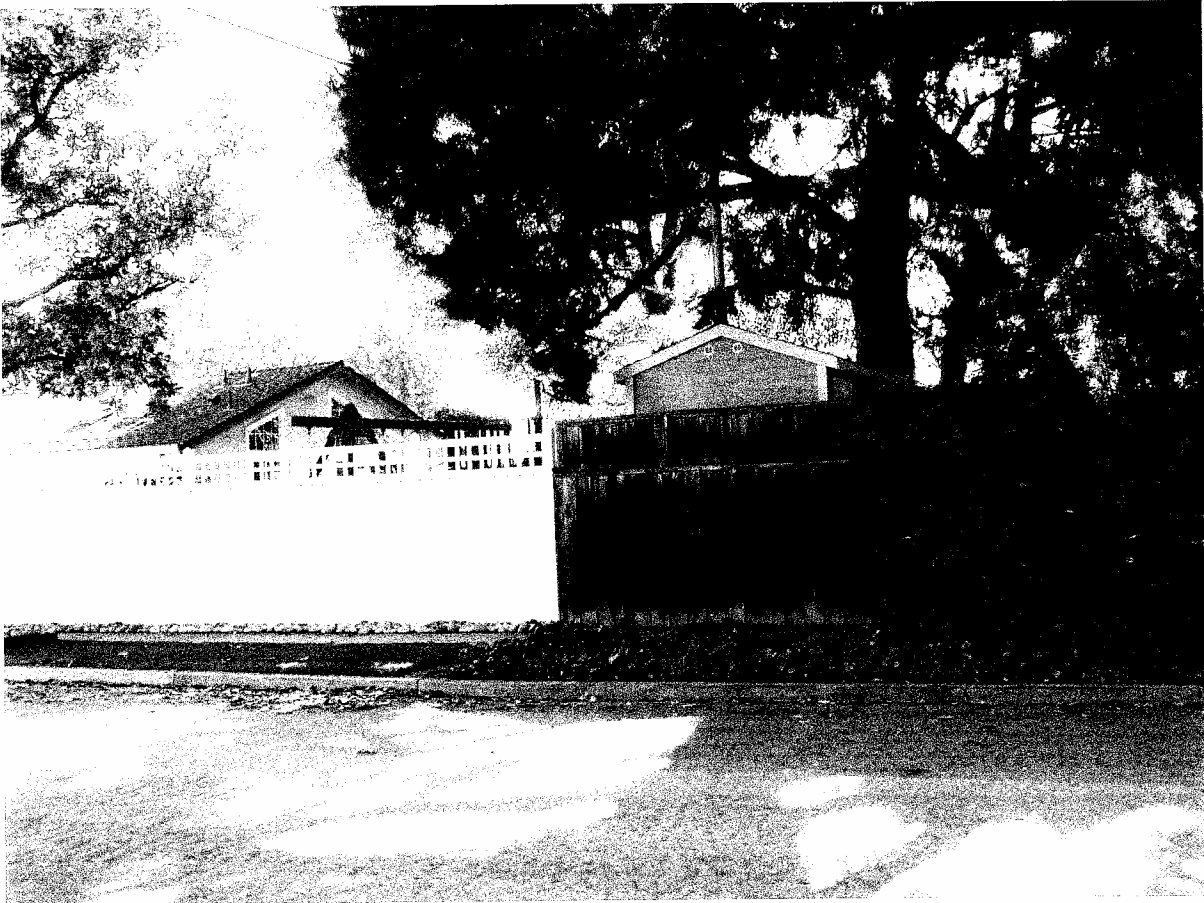
Pine Tree

#3 Shed 8'x12'









ATTACHMENT 3

Page 6 of 7



ATTACHMENT 3

Page 7 of 7



VARIANCE JUSTIFICATION ATTACHMENT 4

Page 1 of 1

1. Due to the location of the five mature forty foot plus Monterey Pine Trees located along the back of our lot, we are unable to move our shed enough to satisfy set-back from the street. The nine foot set-back that we have been asked to meet has been set because we have a corner lot. However, our property covers half the block and since the shed is located at the rear of our property, its location is really in the middle of the block. Also, our ground level in that area is considerably higher, causing the shed to appear higher.
2. No, the shed is a nice product, professionally built and will not affect the surrounding properties. We have planted a vine that will afford the shed to blend in with the landscape and we feel it will not be noticed once it has grown.
3. We wanted the shed for my husband's hobby, and we are limited to where we can place it on our property as we have a mature garden with decking and a pool. Underneath the pine trees is the only vacant area left on our property because nothing grows there. We feel that we are not asking for anything exceptional. It is tucked under the shade of our pine trees and after surveying the neighborhood we noticed many other sheds equally as close to set-back and in some cases they are not near as attractive.

Jack and Donna Greenbaum
1085 Helena Drive.
Sunnyvale, California 94087

Greg and Susan Arnold
1086 Harper Avenue
Sunnyvale, CA 94087
(408) 739-9055

ATTACHMENT 5
Page 1 of 2
RECEIVED
JUL 08 2004
PLANNING DIVISION

July 4, 2004

Diana Odell
Department of Community Development
456 West Olive Avenue
Sunnyvale, CA 94088-3707

Re: Opposition to Property Owner's Residential Shed Variance Request located at 1085
Helena Avenue, Sunnyvale CA 94087

Dear Ms. Odell,

We are the neighbors who directly adjoin the property seeking a variance request for the illegal shed structure that fails to meet building and fire safety codes. We are opposed to any approval of this property owner's variance request for his third residential shed structure. This shed structure is too close (2 feet) to our shared backyard fence and street side fence (2 feet), and is too tall (11 ½ feet), such that it interferes with the full enjoyment of our backyard and home. The tall green colored shed structure significantly reduces our residential property value. This illegally constructed shed is located far from the property owner's home living space and view. Being close to our adjoining fence line, this very tall structure appears as if it is in our backyard, and is significantly visible from our master bedroom and living room. Further, it poses a potential increased fire threat with pine tree limbs and needle droppings between the shed and fence, overhead power lines, and closeness to our shared backyard fence.

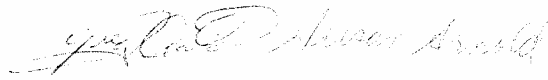
The property owner located at 1085 Helena Avenue, Sunnyvale, California 94087 has erected this illegal shed structure failing to obtain a Building Department permit from the City of Sunnyvale and fails to comply with city building codes and ordinances. They seek approval for this illegally constructed storage shed structure after the fact to avoid complying with building codes, avoid relocating the structure away from the fence and avoid meeting setback and height requirements.

We have suffered great loss and stress as a result of their failure to comply with longstanding building codes when they installed this shed structure nearly on top of our property line, and this neighbor even suggested that if we didn't like seeing it that we should find our own way to conceal it. Furthermore, after we complained about this neighbor's third shed structure, we faced retaliatory complaints against us for our

children's redwood play structure and gazebo on our property, which we immediately remedied per the building inspector's direction.

As responsible law abiding and considerate homeowners living in Sunnyvale, we ask you to vote against granting this property owner's residential shed variance request(s). Please oppose this homeowner's petition for any variance request on this third shed structure or any other illegally constructed structures and instead require the property owner to comply with all required city and state residential building codes and permit requirements in relation to this shed structure and any others located inside their property line.

Respectfully,



Greg and Susan Arnold

cc: Denee Evans, Neighborhood Preservation Specialist

1085 Helena Drive, Sunnyvale

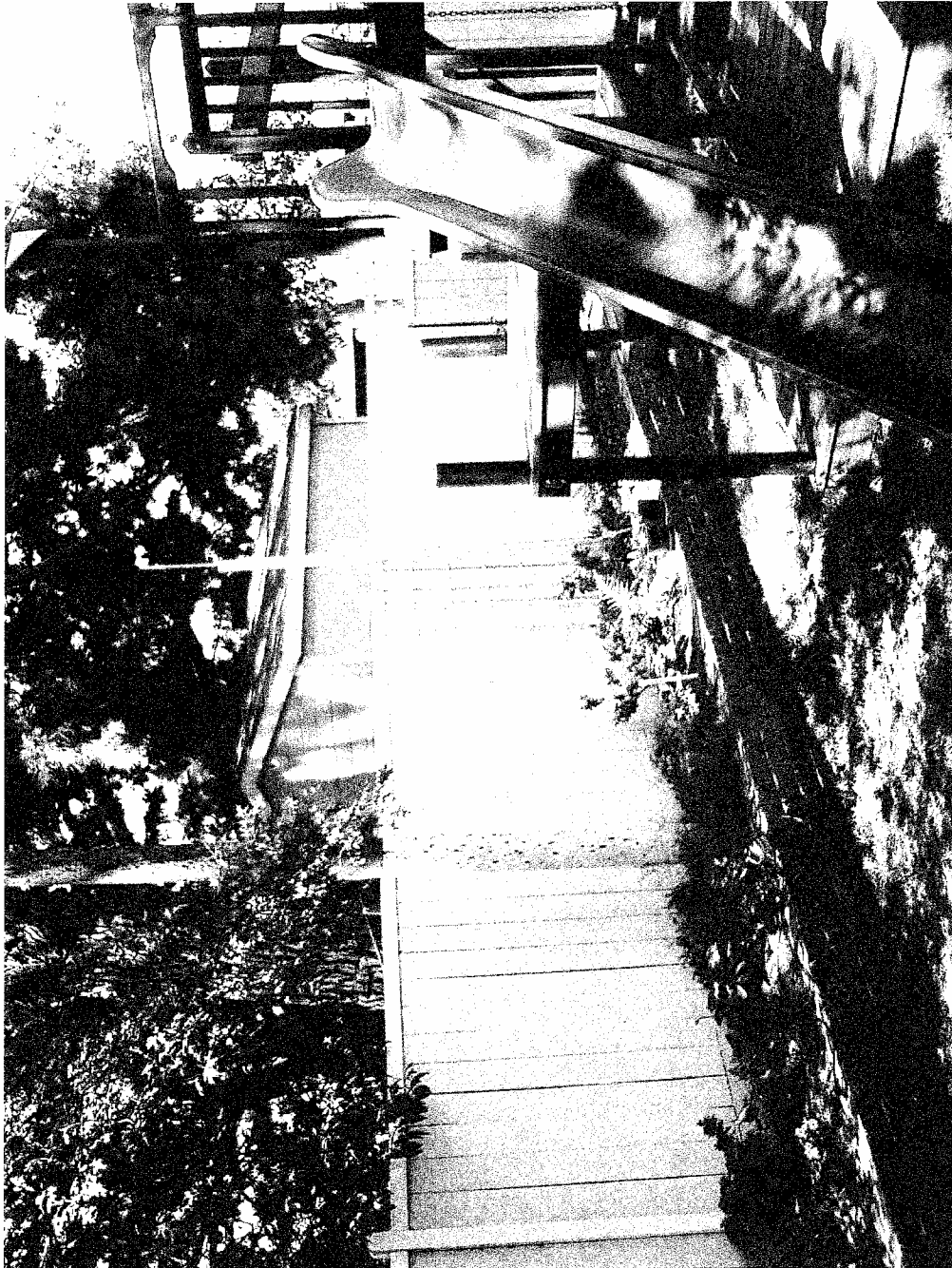
Opposition to proposed
Shed Variance
July 2004



Shed hidden from owner's view.



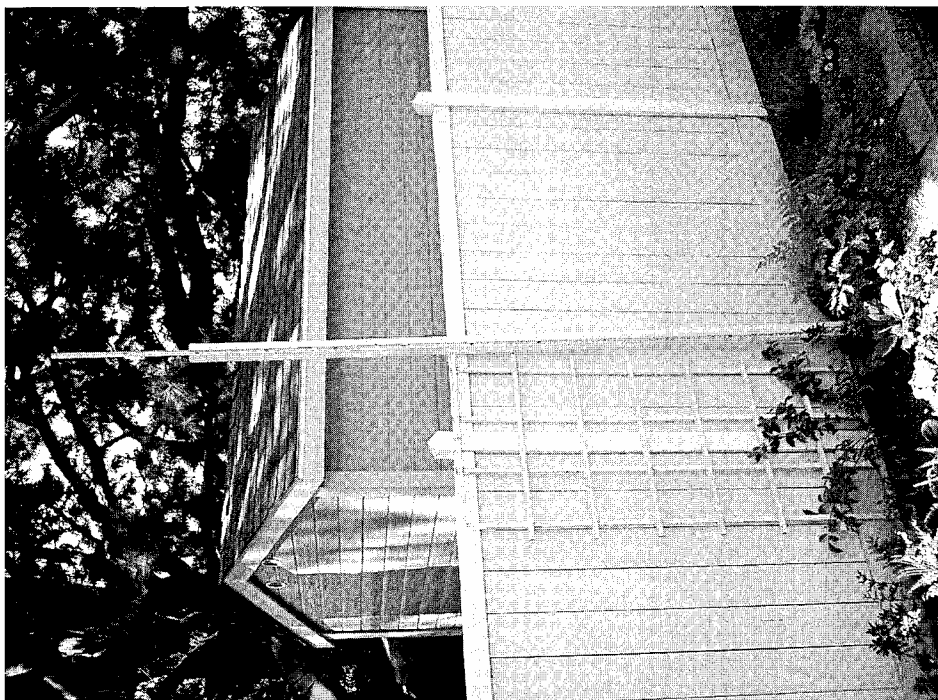
Position of shed relative to back and side fence. (2' each distance).



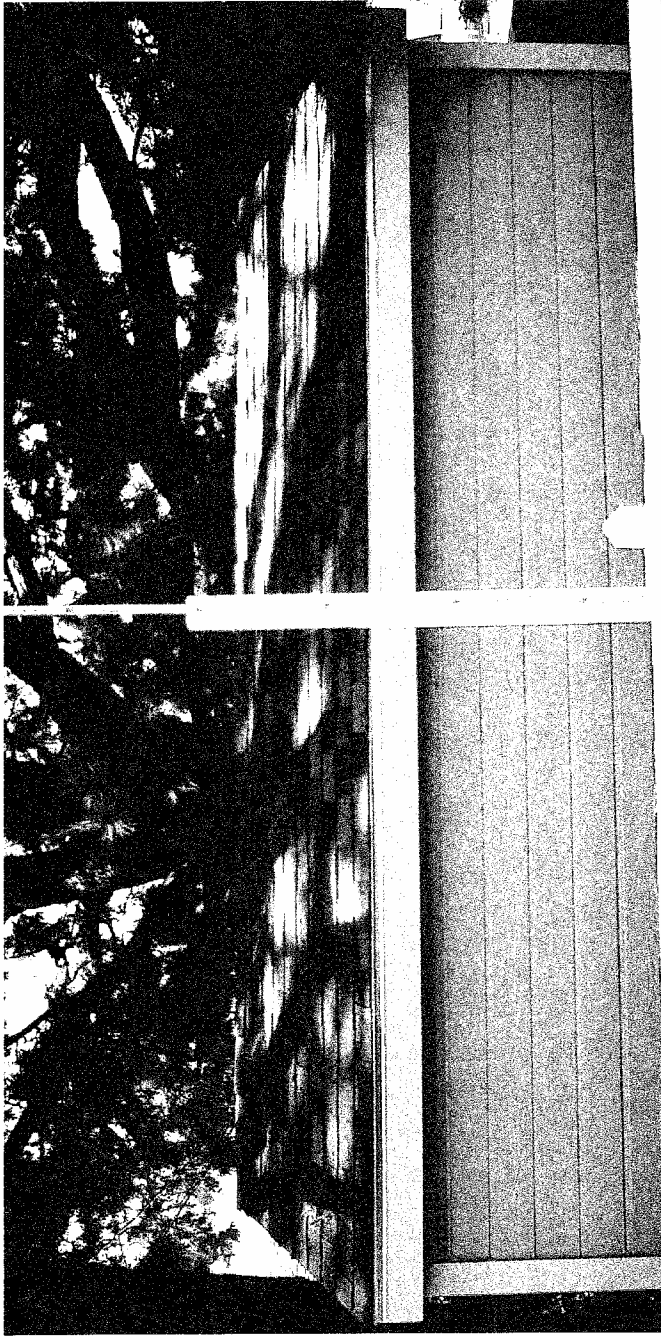
View from 1080 Harper Ave living room.



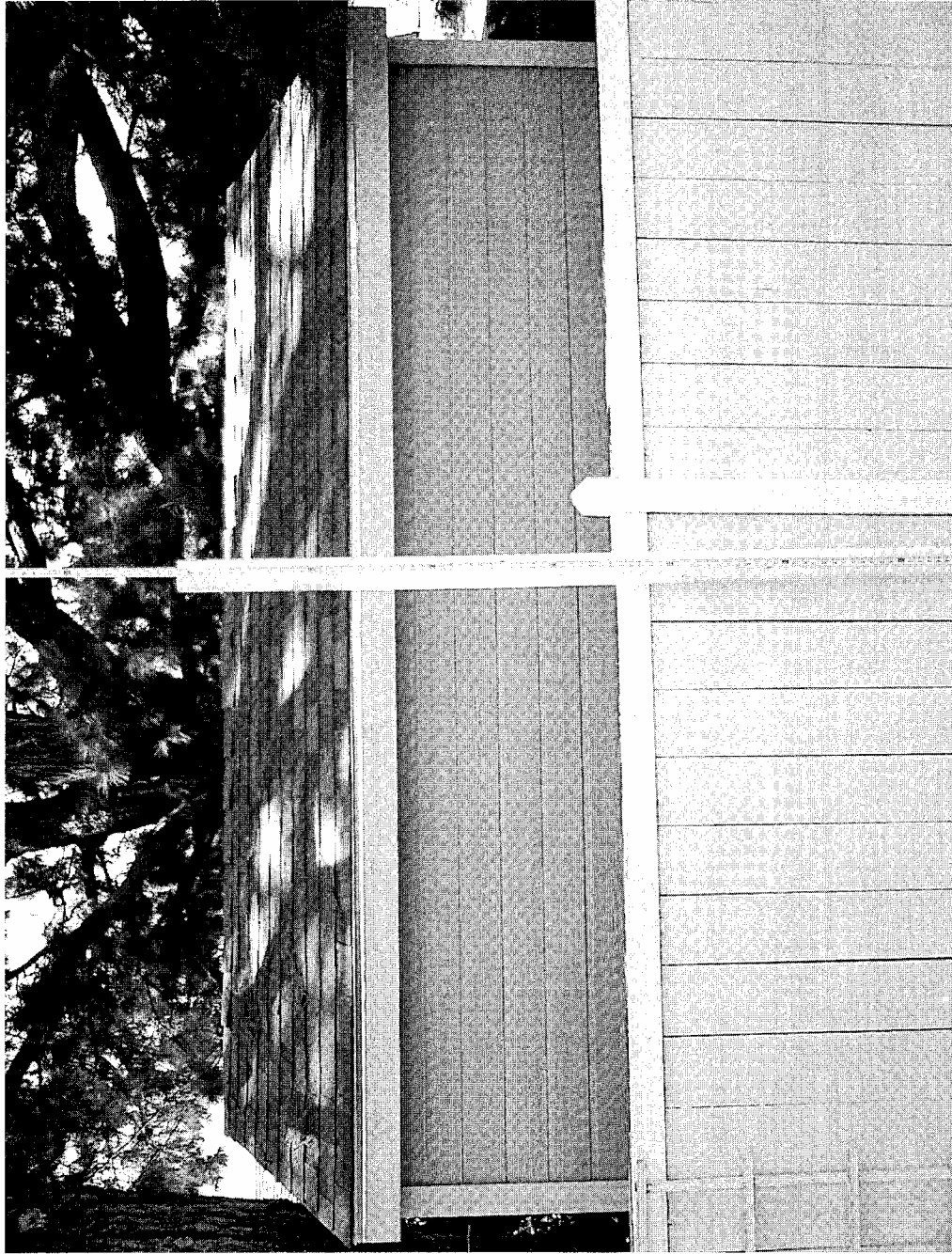
Ten foot pipe with 12' measuring tape attached, set at bottom of fence (neighbors grade level). Please note black 'foot' markings on tape.



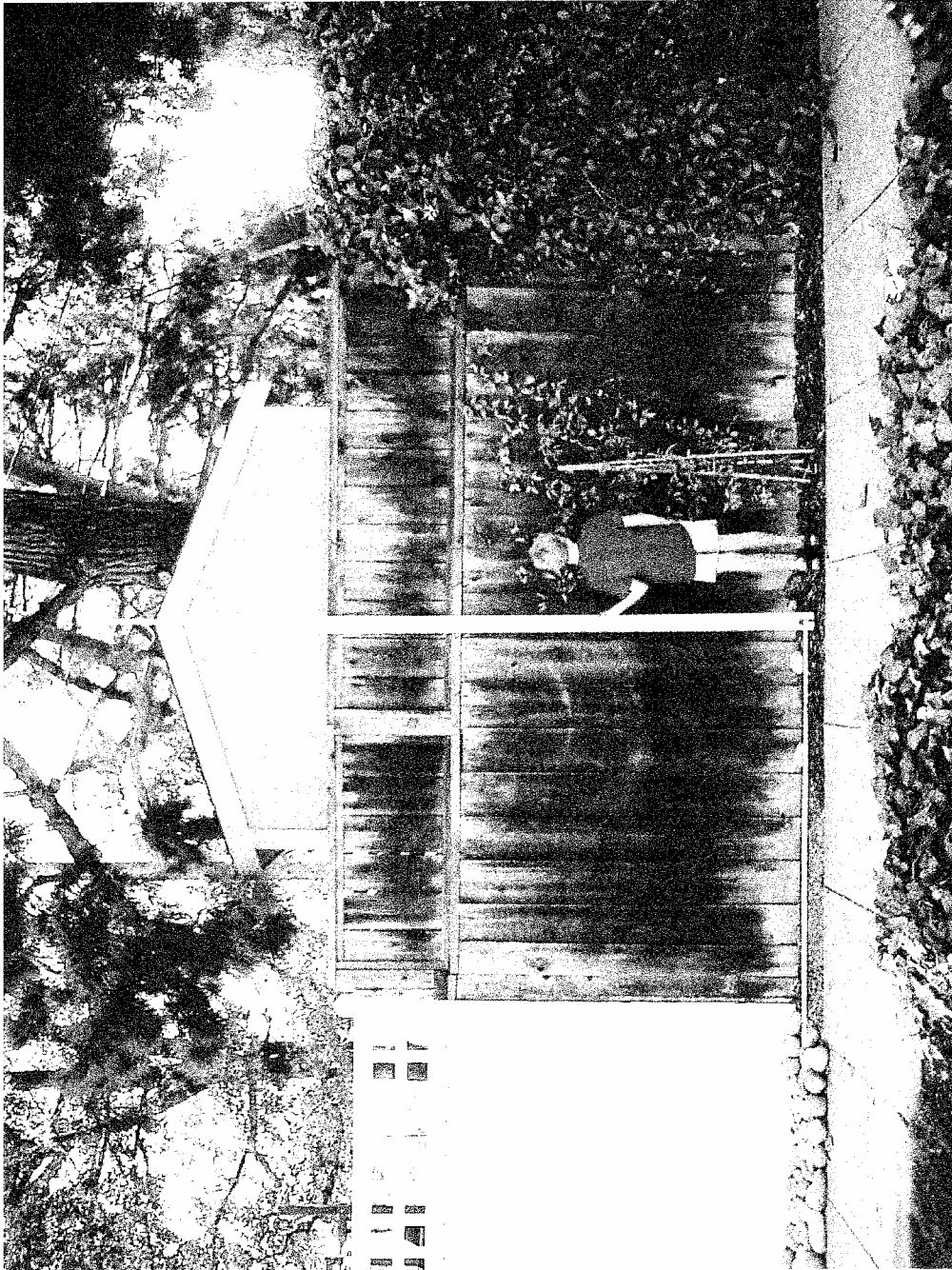
Black and white view to show 'foot' markings.



Camera almost level with top of shed; shed at 10'
(foot marking just below top of fence is 6')



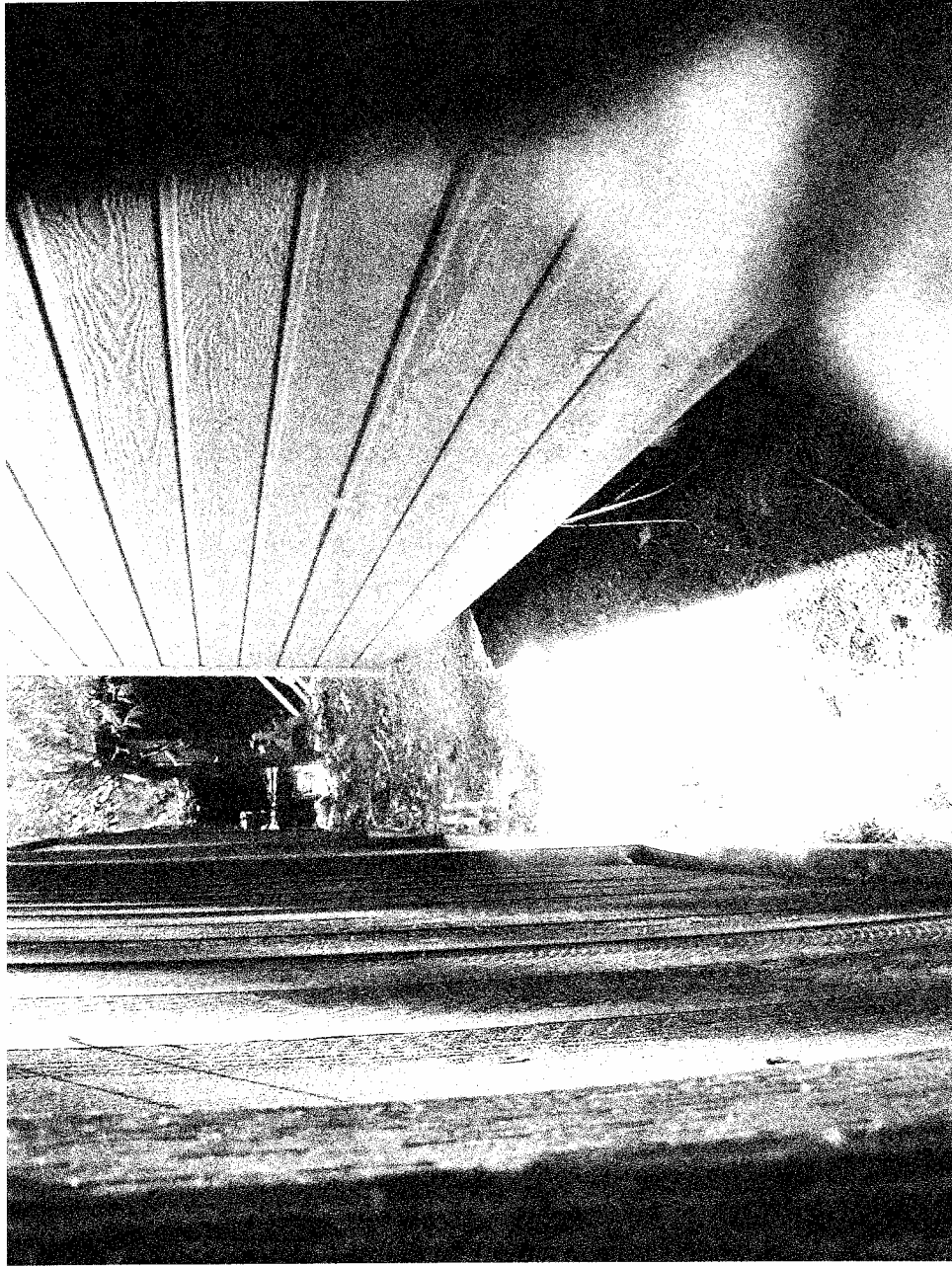
Black and white view.



Street view. Pipe is 10', measuring tape is at 12'.
Peak measures 11' (black 'feet' marking visible at peak)



Underneath shed, from street side. Shed above ground,
from 4" to 2'.



Distance between back fence and shed.
Notice shed is above ground.
Picture taken street side.